

## FORM SUMMARY

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**Name of Form:** Order on Petition for Appointment of an Attorney, Affidavit of Indigency

**Form Number:** GF-152B

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**Statutory Reference:** United States Constitution, Amendment 6; Wisconsin Constitution Article 1, §7; Supreme Court Order 93-15, §§48.23; 51.20(3), 814.29, 977.08(3), Wisconsin Statutes

**Purpose of Form:** Order for appointment of an attorney, and affidavit on indigency.

**Who Completes It:** Court.

**Distribution of Form:** Original to court. Copy to district attorney and attorney appointed. The party seeking the indigency determination will probably keep a copy.

**Accompanying Forms:** Generally none, except some courts may require a copy of the appropriate pleadings (criminal complaint, petition for mental commitment, CHIPS petition, etc.) to be attached to the petition in order to assist in making a determination of the probable costs of representation.

**New Form/Modification:** Modified; last update 05/13.

**Modifications:** Added, “\_\_\_\_ filed a petition for appointment of an attorney on \_\_\_\_”.

**Comments:** Split for eFiling, 05/16.

Although a person may not meet state public defender guidelines for appointment of an attorney or the state public defender may be prohibited from appointing an attorney, there may still be constitutional or other considerations why an attorney should be appointed at county expense. This form allows the person to petition the court for appointment of an attorney, complete an affidavit of indigency and deliver it to court. The court would review the affidavit and make a determination of indigency and appoint an attorney if appropriate. If an attorney is appointed, the court must:

- designate the attorney to be appointed and the payment rate for the attorney (SPD rates or other), and,
- make a determination of whether the county should be reimbursed for the costs of that appointment and the schedule of payments that should be made.

The court may deny the request if:

- The person is not indigent (including if the affidavit is deemed to be untrue), or
- Other reasons. For example, in *Joni B. v. State*, 202 Wis.2d 1, 549 N.W.2d 411 (1996), the court set standards for determining the appropriateness of appointing an attorney for parents in CHIPS cases.

**About this Form:**

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**